

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR18-315-RAJ
Plaintiff,)	
v.)	STIPULATION OF THE PARTIES
GIZACHEW WONDIE,)	FOR PURPOSES OF <i>FRANKS</i>
Defendant.)	HEARING

For the purposes of the *Franks* hearing scheduled by this Court for June 21, 2021, at 9 a.m., Defendant Gizachew Wondie, by and through Assistant Federal Public Defenders Sara Brin and Mohammad Ali Hamoudi, and the United States of America, by and through Assistant United States Attorneys Erin H. Becker and James Oesterle, stipulate to the following facts:

1. On or about April 7, 2017, the Seattle Police Department seized a .40 caliber Smith and Wesson firearm from Gizachew Wondie. That firearm was returned to Mr. Wondie on or about July 18, 2017.

2. At some time between April 7, 2017, and July 18, 2017, this firearm was testfired. A casing from that testfire was photographed using IBIS BrassTrax (or a comparable instrument), which captures high-resolution 2D images and 3D topographic information of certain areas of a casing, including the breech face and firing pin impressions. The image was then entered into the National Integrated Ballistic Information Network (NIBIN), which is a program overseen by the Bureau of Alcohol,

1 Tobacco, Firearms and Explosives that stores digital images of cartridge casings. This
2 imaging and entry into NIBIN was done by Seattle Police Department Officer Kevin
3 Jones, who has been trained to conduct this process on behalf of his and other agencies
4 and to make the comparison of digital images in NIBIN that can result in a NIBIN
5 “lead.” Officer Kevin Jones is not a firearms expert, nor is he a forensic scientist trained
6 in making microscopic comparisons of cartridge casings.

7 3. At or near the time of the test fire and no later than July 18, 2017, the
8 physical casing that had been retrieved from the test fire was discarded by Officer
9 Jones, consistent with his practice with respect to test fires of weapons.

10 4. At no time prior to the casing’s disposal was a microscopic comparison
11 conducted by a forensic firearm examiner comparing the discarded casing to any other
12 casing entered into the NIBIN system.

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14 DATED this 17th day of June 2021.

15 Respectfully submitted,

16 *s/ Sara Brin*

17 *s/ Mohammad Hamoudi*

18 Assistant Federal Public Defenders

19 Attorneys for Gizachew Wondie

20 *s/ Erin H. Becker*

21 *s/ James Oesterle*

22 Assistant United States Attorneys

23 By email authorization
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